

TITLE 16. CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

NOTICE IS HEREBY GIVEN that the California Architects Board, Landscape Architects Technical Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 400 R Street, Suite 4000, Sacramento, California, 95814 at 9:00 am, on June 23, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on June 23, 2003 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5630 of the Business and Professions Code, and to implement, interpret or make specific Section 5681 of said Code, the Board is considering changes to Division 26 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 2649 – Fees

California Business and Professions Code section 5681 authorizes the Board to charge a fee that does not exceed the actual cost to purchase and administer the licensing examination. California Code of Regulations (CCR) section 2649 specifies the fees to be charged for each section of the examination. The Board is proposing to amend section 2649 to increase the examination fees in response to the increase in fees by the national test vendor, Council of Landscape Architectural Registration Boards (CLARB) for both FY 2003/04 and FY 2004/05. Additionally the proposed amended language reflects the increase in the fee CLARB charges for the red line review of Section C.

The Board is also proposing to amend section 2649 to delete the examination fees charged prior to July 1, 2002, as they are obsolete and no longer needed.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This regulation pertains to examinations and therefore only affects prospective candidates for licensure, and has no effect on businesses.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS:

The Board has determined that the proposed regulations would not affect small businesses. This regulation pertains to examinations and therefore only effects prospective candidates for licensure, and has no effect on small businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 400 R Street, Suite 4000, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Erin Mynatt
Address:	400 R Street, Suite 4000
Telephone No.:	(916) 323-5479
Fax No.:	(916) 324-2333
E-Mail Address:	Erin_Mynatt@dca.ca.gov

The backup contact person is:

Name:	Mona Maggio
Address:	400 R Street, Suite 4000
Telephone No.:	(916) 323-6408
Fax No.:	(916) 324-2333
E-Mail Address:	Mona_Maggio@dca.ca.gov

Web site Access: Materials regarding this proposal can be found at www.latc.ca.gov.

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

INITIAL STATEMENT OF REASONS

Hearing Date: June 23, 2003

Subject Matter of Proposed Regulations: Fees

Section Affected: Title 16, California Code of Regulations, Division 26, section 2649

As a result of legislative reorganization, the Landscape Architects Technical Committee (LATC), established on January 1, 1998, replaced the former Board of Landscape Architects and was placed under the purview of the California Architects Board (Board). Business and Professions Code section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations as are reasonably necessary to carry out the provisions of the Landscape Architects Practice Act.

SPECIFIC PURPOSE OF AMENDMENT

California Business and Professions Code section 5681 authorizes the Board to charge a fee that does not exceed the actual cost to purchase and administer the licensing examination. California Code of Regulations (CCR) section 2649 specifies the fees to be charged for each section of the examination. Effective December 1, 2002, the test vendor, the Council of Landscape Architectural Registration Boards (CLARB) raised the fee for each section of the examination in FY 2003/04 and again in FY 2004/05. The Board is proposing to amend section 2649 to include the increased fees.

Additionally, effective December 1, 2000, CLARB raised the fee charged for the red line review of Section C from \$100 to \$140. The Board is proposing to amend section 2649 to include the increased fee.

The Board is also proposing to amend section 2649 to delete the examination fees charged prior to July 1, 2002, as they are obsolete and no longer needed.

The specific purpose of the proposed regulation is to increase the fees for each section of the licensing examination to cover the cost of purchasing the examination from the test vendor and to delete obsolete text.

FACTUAL BASIS

California Business and Professions Code section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that govern the examination of applicants for licenses to practice landscape architecture. Section 5651 requires the Board to administer a written licensing examination and section 5681 authorizes the Board to charge fees that do not exceed the actual cost to purchase and administer the examination.

Exam fees are set through the regulatory process and established at an amount needed to cover the actual costs of purchasing and administering the LARE and facilitating review sessions for candidates who fail the graphic section(s) of the exam and wish to utilize the review process.

The proposed amendments to CCR section 2649 are the result of an increase in the cost of purchasing the examination in both FY 2003/04 and again in FY 2004/05. Additionally the proposed amendment reflects the increase in the fee CLARB charges for the red line review of Section C, and the need to delete examination fees charged prior to July 1, 2002.

UNDERLYING DATA

Fiscal Impact Comparison

BUSINESS IMPACT

This regulation will not have an adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

This regulation pertains to examinations and therefore only effects prospective candidates for licensure, and has no effect on businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to this regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

Alternative 1: Absorb the increased costs within the existing budget.

This alternative is not feasible. The LATC's existing resource does not allow it to absorb the increases in its exam costs without severely affecting the LATC's other regulatory programs and activities, possibly ceasing the LATC's day-to-day operations.

Alternative 2: Stop using the national exam and develop a new exam for those seeking licensure in California.

This alternative is neither feasible nor cost effective. The costs associated with developing and maintaining an examination, which includes conducting periodic occupational analyses, hiring subject matter experts for item writing, setting cut scores and validating the exam, along with administering and scoring the exam would far exceed the costs of using the national exam. Further, California licensees would be unable to obtain reciprocal licensure in other states and would be a barrier to licensure.

The proposed amended language is the only feasible alternative that would allow LATC to meet its mandate without hampering its program operations.

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
ORIGINALLY PROPOSED LANGUAGE**

Underlined text is proposed new language. Proposed deletions of the original language are denoted by ~~strikethrough~~.

2649. Fees.

The fees for landscape architect applicants and landscape architect licensees shall be fixed by the ~~b~~Board as follows:

- (a) The application fee for reviewing an applicant's eligibility to take any section of the examination, commencing with the 1999 examination and thereafter, is \$35.
- (b) (1) ~~Effective July 1, 1999, the fee for each section of the examination administered by the board is as follows:~~

<u>Exam Section and Title</u>	<u>Fee</u>
Section A — Legal and Administrative Aspects of Practice	\$ 50
Section B — Analytical Aspects of Practice	\$ 90
Section C — Planning and Design	\$170
Section D — Structural Considerations and Materials and Methods of Construction	\$140
Section E — Grading, Drainage and Storm Water Management	\$170
California Landscape Architects Licensing Examination	\$ 35

- (b) (2) ~~Effective July 1, 2001, the fee for each section of the examination administered by the board is as follows:~~

<u>Exam Section and Title</u>	<u>Fee</u>
Section A — Legal and Administrative Aspects of Practice	\$ 60
Section B — Analytical Aspects of Practice	\$100
Section C — Planning and Design	\$195
Section D — Structural Considerations and Materials and Methods of Construction	\$160
Section E — Grading, Drainage and Storm Water Management	\$195
California Landscape Architects Licensing Examination	\$ 35

- (b) (3~~1~~) Effective July 1, 2002, the fee for each section of the examination administered by the ~~b~~Board is as follows:

<u>Exam Section and Title</u>	<u>Fee</u>
Section A – Legal and Administrative Aspects of Practice	\$ 70
Section B – Analytical Aspects of Practice	\$110
Section C – Planning and Design	\$210
Section D – Structural Considerations and Materials and Methods of Construction	\$170
Section E – Grading, Drainage and Storm Water Management	\$210
California Landscape Architects Licensing Examination	\$ 35

(b) (2) Commencing with the application period for the December 2003 administration of the examination, the fee for each section of the examination administered by the Board is as follows:

<u>Exam Section and Title</u>	<u>Fee</u>
Section A – Legal and Administrative Aspects of Practice	\$ 75
Section B – Analytical Aspects of Practice	\$115
Section C – Planning and Design	\$225
Section D – Structural Considerations and Materials and Methods of Construction	\$180
Section E – Grading, Drainage and Storm Water Management	\$225
California Landscape Architects Licensing Examination	\$ 35

(b) (3) Effective July 1, 2004, the fee for each section of the examination administered by the Board is as follows:

<u>Exam Section and Title</u>	<u>Fee</u>
Section A – Legal and Administrative Aspects of Practice	\$ 85
Section B – Analytical Aspects of Practice	\$120
Section C – Planning and Design	\$245
Section D – Structural Considerations and Materials and Methods of Construction	\$190
Section E – Grading, Drainage and Storm Water Management	\$245
California Landscape Architects Licensing Examination	\$ 35

- (c) The fee for a duplicate license is \$15.
- (d) The penalty for late notification of a change of address is \$50.
- (e) The fee for an original license is \$300.
- (f) The fee for a biennial renewal is \$300.
- (g) The fee for a standard review is \$25.
- (h) (1) The fee for a red line review for Section C is \$140.
- (h) (2) The fee for a red line review for Section E is \$100.

Note: Authority Cited: Section 5630, Business and Professions Code. Reference: Section 5681, Business and Professions Code.